

ORIGINAL

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GAIL J. GALLOWAY,  
Plaintiff

v.

PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE, *et al.*  
Defendants

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No. 1:00-CV-0649  
Judge Rambo

**FILED**  
**HARRISBURG**

JUN 02 2004

MARY E. D'ANDREA, CLERK  
Per R/N  
DEPUTY CLERK

**PLAINTIFF'S RESPONSE TO DEFENDANTS ANSWER**

The Third Circuit returned this case to the Middle District Court because there is an issue to be tried by a jury, the matter of the violation of Plaintiff's Fourth Amendment rights against unreasonable search and seizure of Plaintiff by agents of the Pennsylvania Board of Probation and Parole, ("PBPP") and the defendants named as a result of the case being returned to the Middle District Court for this issue.

Plaintiff has attempted to conduct discovery, but has been thwarted by the Defendants. One key defendant, Charles B. Giornesto, has not responded to any discovery, and counsel for the defendant states he does not know where this defendant is. It is impossible to conduct meaningful discovery according to the Federal Rules of Civil Procedure when the witnesses go into hiding and are not available for answering interrogatories or for depositions.

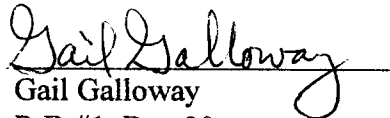
Plaintiff contends that he has a case that must be decided by a jury and that the arguments of the Defendants is erroneous.

If the defendant's are allowed to refuse discovery and vanish, Plaintiff will have no alternative but to file for a Motion To Compel discovery or file for a summary

judgment against the defendant who went into hiding.

Therefore this Court should allow this case to proceed on the issues for trial and allow a jury do decide the case based on the merits and order the Defendant's to make themselves available for discovery.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail Galloway", written over a horizontal line.

Gail Galloway  
R.D.#1, Box 30

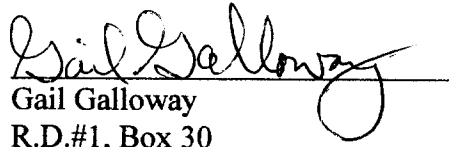
Petersburg, PA 16669  
(814) 669-9164

Date: May 28, 2004

**CERTIFICATE OF SERVICE**

I certify that I have this day served a true and correct copy of the foregoing document upon the persons named below by First Class United States Mail at the address stated, which is the last known address of each.

Francis Filipi  
Office of Attorney General  
15th Floor, Strawberry Square  
Harrisburg, PA 17120

  
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Date: May 28, 2004

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Clerk of Courts  
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Middle District of Pennsylvania  
U.S. Courthouse  
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